

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
EL PASO DIVISION**

DEREK LAMAR JACKSON, §
§
Plaintiff, §
§
vs. § Cause No.: EP-12-CV- 0281-FM
§
CITY OF EL PASO, JAMES T. §
O'CONNOR, CRISTINA QUINONES §
and SGT. ROBERTO RAMOS, §
§
Defendants. §

PLAINTIFF'S RESPONSE TO ORDER TO SHOW CAUSE

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW Plaintiff, Derek Lamar Jackson, and files this Response to the Court's Order to Show Cause, entered on November 1, 2012, in which the court ordered Plaintiff to show cause as to why Plaintiff has not filed his notice of consent or objection to trial by a United States Magistrate.

In response, Plaintiff DEREK LAMAR JACKSON shows as follows:

1. Plaintiff's attorney is cognizant of and understands the significance of the Court's orders. The failure to have notified the Court of whether or not Plaintiff consented to trial by a United States Magistrate Judge was not the result of conscious indifference, but was simply a misinterpretation by Plaintiff's counsel of the Court's order. Specifically, Plaintiff's counsel was of the mistaken belief that only an OBJECTION to trial by a United States Magistrate Judge would require filing of notice with the Court. Since Plaintiff does not object to trial by a Magistrate, but rather consents to the same, Plaintiff's counsel did not file the required notice.

2. Counsel for Plaintiff would respectfully show the Court that as soon as he learned of his mistake, he immediately prepared and caused to be filed Plaintiff's Consent to Trial by Magistrate.

WHEREFORE, PREMISES CONSIDERED, Plaintiff prays that the Court accept the foregoing as a satisfactory response to the Order to Show Cause entered on November 1, 2012. In the event that the Court finds the foregoing to be deficient, Plaintiff respectfully prays for an opportunity to cure any deficiencies as the Court may deem necessary. Plaintiff prays for any and all relief, legal or equitable, special or general, to which he may show himself justly entitled.

DATED: November 2, 2012

Respectfully submitted,

/S/
Mario A. Gonzalez
Texas Bar No. 08130710
1715 Wyoming Ave.
El Paso, Texas 79902
Tel. (915) 543-9802
Fax (915) 533-0588
Attorney for Plaintiff
Derek Lamar Jackson

CERTIFICATE OF SERVICE

I, MARIO A. GONZALEZ, hereby certify that a true and correct copy of the above and foregoing Plaintiff's Response to Order to Show Cause was ELECTRONICALLY FILED with the Clerk of the Court using the CM/ECF system, which will send notification, as well as mailed to Kenneth A. Krohn, Assistant City Attorney, 2 Civic Center Plaza, 9th Floor, El Paso, Texas, 79901; Duane A. Baker, Attorney for Defendants Ramos and Quinones, 300 E. Main, Suite 600, El Paso, Texas, 79901; and Eric M. Brittain, Attorney for Defendant O'Conner, 201 East Main Drive, Suite 1350, El Paso, Texas, 79901, on this the 2nd day of November, 2012.

/S/
MARIO A. GONZALEZ